

REMARKS

This reply is responsive to the Office Action mailed on January 11, 2005. Claims 1-7, 9-23 and 27-46 were pending in the application with Claims 1, 18, 23, 30, 34, and 42 being the independent claims. Claims 1, 2, 4-7, 9-16, 18, 20-22 and 30-33 were rejected.

In the forgoing Amendments, Claims 1, 3 and 18 have been amended and Claims 17, 19 and 30-33 have been canceled without prejudice to or disclaimer of the subject matter therein. Support for these amendments can be found in the specification and claims of the application as filed. No new matter has been added by these amendments. Claims 1-7, 9-16, 18, 20-23, 27-29, 34-46 remain pending in this application. Applicants respectfully request entry of the foregoing Amendments and reconsideration of the present application in light of the amendments above and the remarks below.

Applicants thank the Examiner for considering the amendments and remarks in Applicants' response mailed on August 30, 2004, and for allowing Claims 23, 27-29 and 34-46. Applicants also thank the Examiner for indicating allowable subject matter of Claims 3 and 19 if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, Claim 18 has been amended to explicitly incorporate all of the limitations of Claim 19, and therefore is in the condition for allowance. Similarly, Claim 1 has been amended to incorporate a limitation of Claim 3 and thus should also be in the condition for allowance.

The 35 U.S.C. § 102 Rejection

Claims 1, 2, 4-7, 9-18, 20-22, 30-33 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Kramer (US Patent No. 5,184,319) (“Kramer”). Without admitting that Kramer is prior art and reserving the right to establish that it is not prior art, Applicants respectfully submit that this rejection is traversed for the reasons below.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.¹

To expedite the allowance of the presently claimed invention, Applicants have canceled Claims 30-33 without prejudice to or disclaimer and amended Claims 1 and 18 to incorporate allowable subject matter. Claim 1 has been amended to explicitly incorporate a limitation of Claim 3, which has been indicated as being allowable. Applicants respectfully submit that amended Claim 1 is now in condition for allowance because the cited reference does not disclose each and every element as set forth in the amended Claim 1, either expressly or inherently described.

If an independent claim is valid, the claims that depend from the independent claim should also be valid as matter of law. See Jenric/Pentron, Inc. v. Dillon Co., 205 F. 3d 1377, 1382 (Fed. Cir. 2000). Since Claims 2-7 and 9-16 depend from Claim 1, Claims 2-7 and 9-16 should also be patentable.

Similarly, Claim 18, as discussed above, has incorporated all of the subject matter of Claim 19, which has been indicated as being allowable. As such, Claim 18 is now in condition

¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

for allowance. Since Claims 20-22 depend from Claim 18, Claims 20-22 should also be patentable.

Request for Entry of Amendment

Entry of this Amendment will place the Application in better condition for allowance, or at the least, narrow any issues for an appeal. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

Conclusion

Based on all of the above, Applicant believes all claims now pending in the present application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

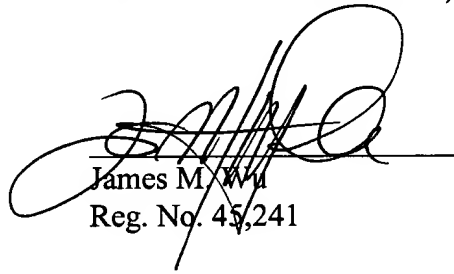
No additional fees are believed to be due at this time. However, please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Applicants thank the Examiner for carefully examining the present application and if a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Jim Wu at (408)282-1885.

Respectfully submitted,

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